

**IN THE UNITED STATES BANKRUPTCY COURT
IN THE SOUTHERN DISTRICT OF MISSISSIPPI**

IN RE:
JOSEPH E MONTGOMERY

BANKRUPTCY NO: 08-03948-NPO

**1218 STRAWBERRY LANE SW
BROOKHAVEN MS 39601**

NOTICE AND MOTION TO DISMISS

COMES NOW, Harold J Barkley Jr., the duly appointed and qualified Standing **TRUSTEE** in the above cause and moves to dismiss the above proceeding for the reason that the **DEBTOR** has failed to make payments into the plan as required by Chapter 13 of the Bankruptcy Code.

NOTICE IS HEREBY GIVEN, to the **DEBTOR** herein, that unless the below required sum is received by the **TRUSTEE**, or a written responsive pleading is filed with the Clerk of the Court with a copy to the **TRUSTEE** prior to the below depicted due date, the Chapter 13 proceeding of the above **DEBTORS** will be dismissed.

NOTICE IS FURTHER GIVEN that, in the event a written responsive pleading is filed, a trial on the matter will be held in the Bankruptcy Courtroom, Room 170, 100 East Capitol Street , Jackson Ms on, **November 23, 2009 @ 10:00 am**.

WHEREFORE, TRUSTEE moves this Court to enter its Order of Dismissal unless said sum is received as set out herein or said responsive pleading is properly filed.

DATED 09/09/09

MAIL PAYMENTS TO
Harold J. Barkley, Jr.
Chapter 13 Trustee
P.O. Box 321454
Flowood, MS 39232

AMOUNT DUE: \$2,786.50

(As of 09/08/09) thru end of month

Plus accruing payments

DATE DUE 09/29/2009

CERTIFICATE OF SERVICE

I, Harold J. Barkley, Jr., Standing Trustee, do hereby certify that on the above date of the Notice and Motion to Dismiss, I mailed, postage prepaid, a true and correct copy of the foregoing Notice and Motion to Dismiss to the **DEBTOR**, to the Attorney for the **DEBTOR** herein and to the Office of the U.S. Trustee.

DATED: 09/09/2009

DEBTOR'S ATTORNEY

/s/ Harold J. Barkley, Jr.
HAROLD J. BARKLEY, JR.
CHAPTER 13 TRUSTEE

DANNY SMITH
PO BOX 2024

MCCOMB MS 39649